

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

8 SULEIMAN ABDULLAH SALIM, et al., }
9 Plaintiffs, } No. CV-15-0286-JLQ
10 vs. } ORDER GRANTING
11 } MOTION TO SET TIME TO
12 } FILE ANSWER
13 JAMES E. MITCHELL and JOHN }
14 JESSEN, } Defendants. }

15 BEFORE THE COURT is "Defendants' Unopposed Motion to Set Time to File
16 Answer" (ECF No. 41)(hereafter the "Motion") and Motion to Expedite (ECF No. 43).
17 The Motion argues additional time is required to file an Answer because defense counsel
18 cannot adequately communicate with their clients at this time concerning the specific
19 factual allegations in the Complaint due to nondisclosure agreements ("NDA") between
20 the CIA and Defendants. The parties are not in agreement as to when the Answer is
21 currently due, apparently due to a dispute in the interpretation of Fed.R.Civ.P. 12(a)(4).
22 Plaintiffs contend the Answer was due May 6th, Defendants contend it is due May 12th.
23 However, Plaintiffs are in agreement Defendants may have additional time to Answer.

The Motion and supporting Declaration of counsel (ECF No. 42) state Plaintiffs' counsel has agreed to a deadline for filing the Answer that is 30-days after the parties and the Government come to an agreement on discovery procedure. The court has ordered the proposed discovery plan be filed by May 23, 2016. Thirty days after that date is June

1 22, 2016. The Motion also states defense counsel has been in communications with
2 Department of Justice attorney Andrew Warden concerning the NDA and has requested
3 a copy of the NDA and guidance concerning its scope. The United States has filed a
4 Statement of Interest (ECF No. 33) in this case and Mr. Warden appeared at the hearing
5 on the Motion to Dismiss. The Motion does not state that Mr. Warden has agreed to
6 provide the NDA, or refused to provide the NDA, only that Defendants "have not yet
7 received" the NDA. (ECF No. 41 p. 6-7).

8 **IT IS HEREBY ORDERED:**

- 9 1. Defendants' Motion to Expedite (ECF No. 43) is **GRANTED**.
10 2. Defendants' Motion to Set Time to File Answer (ECF No. 41) is **GRANTED**.
11 Defendants shall file an Answer to the Complaint on or before **June 22, 2016**.
12 3. On or before **May 23, 2016**, the United States, through Mr. Warden, shall file
13 a Statement as to its position on providing the NDA to defense counsel and also its
14 position on providing the contract between Defendants and the CIA that was discussed
15 at the in-court hearing, and the time for providing such documents.

16 **IT IS SO ORDERED.** The Clerk shall enter this Order and furnish copies to
17 counsel.

18 Dated this 12th day of May, 2016.

19 s/ Justin L. Quackenbush
20 JUSTIN L. QUACKENBUSH
21 SENIOR UNITED STATES DISTRICT JUDGE
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